

STATE OF TENNESSEE

Office of the Attorney General



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Reply to:  
Consumer Advocate and Protection Division  
Post Office Box 20207  
Nashville, TN 37202

June 6, 2003

Honorable Sara Kyle  
Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

**RE: In Re: Petition of Tennessee American Water Company to Change and Increase Certain Rates and Charges So As to Permit it to Earn a Fair and Adequate Rate of Return on Its Property Used and Useful in Furnishing Water Service to Its Customers**  
**Docket No. 03-00118**

Dear Chairman Kyle:

Enclosed is an original and thirteen copies of Supplemental Responses to Tennessee-American Water Company's (TAWC's) Discovery Requests Following the Filing of Expert Testimony by the Consumer Advocate and Protection Division of the Office of the Attorney General. Kindly file same in this docket. We are forwarding copies of same to all parties of record. If you have any questions, please feel free to contact me at (615) 532-3382. Thank you.

Sincerely,

Shilina B. Chatterjee  
Assistant Attorney General

Enclosures

cc: All Parties of Record

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IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

IN RE:

PETITION OF TENNESSEE AMERICAN  
WATER COMPANY TO CHANGE AND  
INCREASE CERTAIN RATES AND  
CHARGES SO AS TO PERMIT IT TO EARN A  
FAIR AND ADEQUATE RATE OF RETURN  
ON ITS PROPERTY USED AND USEFUL IN  
FURNISHING WATER SERVICE TO ITS  
CUSTOMERS

DOCKET NO. 03-00118

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**SUPPLEMENTAL RESPONSES TO TENNESSEE-AMERICAN WATER  
COMPANY'S (TAWC'S) DISCOVERY REQUESTS FOLLOWING THE FILING  
OF EXPERT TESTIMONY BY THE CONSUMER ADVOCATE AND  
PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL**

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Comes Paul G. Summers, the Attorney General & Reporter, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "CAPD" or "Consumer Advocate") and hereby supplements its responses to Tennessee-American Water Company's (TAWC's) discovery requests following the filing of expert testimony by the Consumer Advocate, without waiving any prior objections.

**DISCOVERY REQUEST NO. 1:**

State in detail the legal and factual basis for any objection or opposition CAPD has with respect to any aspect of the rate increase requested by TAWC in this docket.

**RESPONSE NO. 1:**

The pre-filed testimony filed on May 30, 2003 by the CAPD sets forth legal and factual bases for our objection or opposition of the CAPD to the proposed rate increase at this time.

**DISCOVERY REQUEST NO. 2:**

Identify each person whom you expect to call as an expert witness at any hearing in this docket, and for each such expert witness:

- (a) identify the field in which the witness is to be offered as an expert;
- (b) provide complete background information, including the expert's current employer as well as his or her educational, professional and employment history, and qualifications within the field in which the witness is expected to testify, and identify all publications written or presentations presented in whole or in part by the witness;
- (c) provide the grounds (including without limitation any factual bases) for the opinions to which the witness is expected to testify, and provide a summary of the grounds for each such opinion;
- (d) identify any matter in which the expert has testified (through deposition or otherwise) by specifying the name, docket number and forum of each case, the dates of the prior testimony and the subject of the prior testimony, and identify the transcripts of any such testimony;
- (e) identify for each such expert any person whom the expert consulted or otherwise communicated with in connection with his expected testimony;
- (f) identify the terms of the retention or engagement of each expert including but not limited to the terms of any retention or engagement letters or agreements relating to his/her engagement, testimony and opinions;
- (g) identify all documents or things shown to, delivered to, received from, relied upon, or prepared by any expert witness, which are related to the witness(es)' expected

testimony, including without limitation all documents or things provided to that expert for review in connection with testimony and opinions; and

(h) identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert.

**RESPONSE NO. 2:**

Please see the pre-filed testimony filed on May 30, 2003 by the CAPD for additional material responsive to this request.

**DISCOVERY REQUEST NO. 3:**

Please provide copies of any and all documents referred to or relied upon in responding to TAWC's discovery requests.

**RESPONSE NO. 3:**

Additional materials referred to or relied upon by CAPD witness Dr. Steve Brown in his pre-filed testimony are available for inspection and copying at the offices of the CAPD.

**DISCOVERY REQUEST NO. 4:**

Please provide all material provided to, reviewed by or produced by any expert or consultant retained by CAPD to testify or to provide information from which another expert will testify concerning this case.

**RESPONSE NO. 4:**

See Response No. 3.

**DISCOVERY REQUEST NO. 5:**

Please produce all work papers of any of CAPD's proposed experts, including but not limited to file notes, chart notes, test results, interview and/or consult notes and all other file

documentation that any of CAPD's expert witnesses in any way used, created, generated or consulted by any of CAPD's expert witnesses in connection with the evaluation, conclusions and opinion in the captioned matter.

**RESPONSE NO. 5:**

See Response No. 3.

**DISCOVERY REQUEST NO. 6:**

Please produce a copy of all trade articles, journals, treatises and publications of any kind in any way utilized or relied upon by any of CAPD's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.

**RESPONSE NO. 6:**

See Response No. 3.

**DISCOVERY REQUEST NO. 7:**

Please produce a copy of all documents which relate or pertain to any factual information provided to, gathered by, utilized or relied upon by any of CAPD's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter

**RESPONSE NO. 7:**

See Response No. 3.

**DISCOVERY REQUEST NO. 8:**

Please produce a copy of all articles, journals, books or speeches written by or co-written by any of CAPD's expert witnesses, whether published or not.

**RESPONSE NO. 8:**

No supplemental response.

**DISCOVERY REQUEST NO. 9:**

Please produce any and all documentation, items, reports, data, communications, and evidence of kind that CAPD intends to offer as evidence at the hearing or to refer to in any way at the hearing.

**RESPONSE NO. 9:**

Please see the pre-filed testimony filed on May 30, 2003.

**DISCOVERY REQUEST NO. 10:**

Please produce all documents that refer or relate to the subject matter of your response to Discovery Request No. 1.

**RESPONSE NO. 10:**

Please see the pre-filed testimony filed on May 30, 2003.

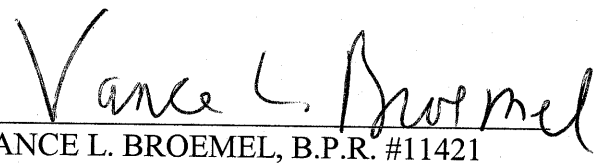
**DISCOVERY REQUEST NO. 11:**

Please identify by name, address, employer, and current telephone number, all persons having knowledge of the subject matter of your response to Discovery Request No. 1.

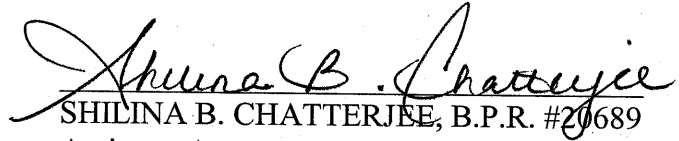
**RESPONSE NO. 11:**

No supplemental response.

RESPECTFULLY SUBMITTED,

  
VANCE L. BROEMEL, B.P.R. #11421

Assistant Attorney General  
Office of the Attorney General  
Consumer Advocate and Protection Division  
(615) 741-8733

  
SHILINA B. CHATTERJEE, B.P.R. #20689

Assistant Attorney General  
Office of the Attorney General  
Consumer Advocate and Protection Division  
P.O. Box 20207  
Nashville, Tennessee 37202  
(615) 532-3382

Dated: June 6, 2003

**CERTIFICATE OF SERVICE**

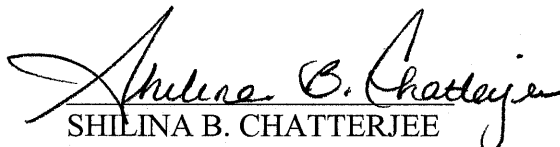
I hereby certify that a true and exact copy of the foregoing has been forwarded by facsimile and/or first-class mail, postage prepaid, to the following:

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SHILINA B. CHATTERJEE  
Assistant Attorney General

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